

Nos. 22-3038 & 22-3041

**In the United States Court of Appeals for the
District of Columbia Circuit**

UNITED STATES OF AMERICA,

Plaintiff-Appellant

v.

JOSEPH FISCHER AND GARRET MILLER,

Defendants-Appellees

GOVERNMENT’S MOTION TO LATE-FILE ITS OPPOSITION TO APPELLEE’S
MOTION STAY THE MANDATE

On May 26, defendant-appellees Joseph Fischer and Garrett Miller (defendants) moved to stay the mandate pending a disposition by the Supreme Court of the United States of their petition for a writ of certiorari. The government’s deadline to file a response to that motion under Federal Rule of Appellate Procedure 27(a)(3) was 10 days, which fell on June 5, 2023. Undersigned counsel erroneously calculated the response deadline as today: June 6, 2023. With apologies to the Court and appellees’ counsel, the government hereby moves for permission to late-file its opposition to the defendants’ motion to stay mandate.

Respectfully submitted,

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June 6, 2023

CERTIFICATE OF SERVICE AND COMPLIANCE

In accordance with Fed. R. App. P. 25(d), the undersigned counsel of record certifies that the foregoing motion, which contains 97 words, was this day served upon counsel for appellees, by notice of electronic filing with the District of Columbia Circuit CM/ECF system.

DATED: JUNE 6, 2023

/s/ James I. Pearce

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